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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,100	04/19/2001	Molly Kestner Barksdale	RSW920000123US1	1798

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IBM Corporation
T81/503
PO Box 12195
Research Triangle Park, NC 27709

EXAMINER

PESIN, BORIS M

ART UNIT PAPER NUMBER

2174

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,100

Applicant(s)

BARKSDALE ET AL.

Examiner

Boris Pesin

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/07/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-12,14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-6,9-12,14-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment filed 06/07/2004.

Claims 1-6, 8-12, 14-18, and 20 are pending in this application. Claims 1, 9, and 15 are independent claims. In the Amendment A, Claims 1, 9, and 15 were amended.

This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The term "substantially similar" in claims 1, 9, and 15 is a relative term which renders the claim indefinite. The term "substantially similar" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5, 9-11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge (US 6252597) in view of Microsoft Word 2000 (Screen Shots).

As per independent claim 1, Lokuge teaches a method of displaying layered data, said method comprising: identifying a plurality of shading colors, each of the shading colors corresponding to a different data layer; identifying a plurality of data items to be displayed in a display window (column 7, lines 34-44); for each data item: determining one of the data layers corresponding to the data item; selecting a shading color from the plurality of shading colors, wherein the shading color corresponds to the determined data layer (column 7, lines 34-44); formatting the data item using the selected shading color; and displaying the formatted data item in the display window, wherein each formatted data item is positioned with a left margin substantially similar to a left margin corresponding to the other data items (column 7, lines 34-44, and figures 5 and 6). Lokuge does not teach displaying the formatted data item and an alphanumeric level identifier in the display window, wherein the alphanumeric level identifier identifies the data layer corresponding to the formatted data item. Microsoft Word teaches

displaying the formatted data item and an alphanumeric level identifier in the display window, wherein the alphanumeric level identifier identifies the data layer corresponding to the formatted data item (See Figures 1-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lokuge with the teachings of Microsoft Word and include a method to display alphanumeric level identifiers corresponding to the formatted data item with the motivation to provide the user a convenient method of organizing the data wherein the data is quickly discernable by the end user.

Claims 9 and 15 are similar in scope to claim 1, and are therefore rejected under similar rationale.

As per claim 2, which is dependent on claim 1, Lokuge teaches that the shading color includes grayscale shading (column 7, lines 34-44, *i.e. – highlighting or shading could be color or grayscale*).

Claims 10 and 16 are similar in scope to claim 2, and are therefore rejected under similar rationale.

As per claim 3, which is dependent on claim 1, Lokuge teaches analyzing an attribute corresponding to each data item; determining a visual highlight corresponding to the attribute; including the visual highlight with the formatted data item (column 7, lines 34-44).

As per claim 4, which is dependent on claim 3, Lokuge teaches that the visual highlight is selected from the group consisting of blinking, text coloring, bolding, italicizing, underlining, striking through, shadowing, outlining, capitalizing, and font changing (column 7, lines 39-44). Lokuge does not explicitly disclose all of the above

elements, however, he does teach changing the font, and changing the font size (column 7, lines 43-44). It is obvious that changing the font and font size encompasses the effects described above.

As per claim 5, which is dependent on claim 1, Lokuge teaches receiving a data item selection from a user (column 6, lines 53-59); displaying one or more formatted data items below the selected data item in response to the user selecting an unexpanded data item (column 6, lines 53-59, *i.e. - expansion*); and removing one or more formatted data items from the display area beneath the selected data item in response to the user selecting an expanded data item (column 5, lines 61-67, *i.e. - some items may be truncated and hidden from view*).

Claims 11 and 17 are similar in scope to claim 5, and are therefore rejected under similar rationale.

Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge (US006252597B1) in view of Microsoft Word (Screen Shots) in further view of Microsoft Window Explorer ("MS Explorer," Microsoft Explorer Screen Dumps Figures 1 and 2).

As per claim 6, which is dependent on claim 1, the teachings of Lokuge and Microsoft Word in regards to claim 1 have been discussed above. Lokuge does not disclose displaying a graphic icon with each formatted data item, the graphic icon indicating whether the formatted data item is expanded.

MS Explorer teaches displaying a graphic icon with each formatted data item, the graphic icon indicating whether the formatted data item is expanded (figure 2, element 1). It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the teachings of Lokuge and Microsoft Word with a means to indicate whether a data item is expanded, as taught by MS Explorer, with the motivation to allow users to quickly ascertain the state of a hierarchy and whether more items are hidden within categories without having to open those categories.

Claims 12 and 18 are similar in scope to claim 6, and are therefore rejected under similar rationale.

Allowable Subject Matter

Claims 8, 14, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 8, 14, and 20 teach that an indicator bar is overlaid on top of an item and that the margin of the bar indicates the level of the item in the hierarchy. The use of shapes to indicate the hierarchy level of an item is known, however, the use of an indicator bar's margin is a novel approach to indicating an items level in a hierarchy.

Response to Arguments

Applicant's arguments, see page 12 and 13, filed 06/07/2004, with respect to double patenting rejection have been fully considered and are persuasive. The double patenting rejection of 1, 3, 8-9, 14-15, and 20 has been withdrawn.

Applicant's arguments with respect to claims 1-6, 8-12, 14-18, and 20 in regards to the art rejections have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100